

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CITY OF HOUSTON,	§	
<i>Plaintiff,</i>	§	
	§	
VS.	§	CIVIL ACTION NO. 4:10-CV-4545
	§	
AMERICAN TRAFFIC	§	
SOLUTIONS, INC.,	§	
<i>Defendant.</i>	§	

**HOUSTON'S RESPONSE TO THE COURT'S MAY 31, 2011 ORDER**

The following are the City of Houston's answers to the questions asked by the Court:

1. The date it switched from holding a democratic primary to a non-partisan election.

**Answer:** The switch appears to have been codified on May 29, 1951. Prior to that date the City Charter had a provision (Art. V, sec. 6) referencing election of City officials by political parties. After May 29, 1951, that provision was removed from the Charter and replaced by a provision (Art. V, sec. 6) that allows candidates for election to file without association with a political party. At the same time and in order to remove any conflicting language, the Charter was amended to adopt Art. V, sec. 10, which changed the basis for calculating the number of signatures required for referendum petitions from the number of votes in the democratic primary to the number of votes in the mayoral primary or general election, whichever had the greater vote tally within the last three years.

2. The date it switched from nominating the mayor and commissioners to the mayor and the council.

**Answer:** The switch from "Mayor and Commissioners" to Mayor and Council occurred when Art. V, sec.1 of the Charter was amended on August 15, 1942. The matter was clarified by a 1979 amendment to Art. V, sec. 2 of the Charter to provide that all references in the Charter to "Councilmen," "Commissioners" or "Aldermen" shall be construed to be references to "Council Members."

3. The number of required signatures to petition a referendum and how it determines that number.

**Answer:** Based on City Charter Art. V, sec. 10, the number of signatures required for a referendum petition is "calculated upon the greatest total vote cast for Mayor at any City Primary or City General Election held within the three years next preceding the date of the filing of such petition. (Added by amendment May 29, 1951)," rather than the votes cast in the democratic primary as provided in Art. VIIb, sec. 3. However, the percentage (10%) of the total of votes cast, as prescribed in Art. VIIb, sec. 3, still applies in determining the number of signatures required for a referendum petition.

Respectfully submitted,

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**Certificate of Service**

I hereby certify that on June 2<sup>nd</sup>, 2011, a true and correct copy of the foregoing document has been delivered to the parties / counsel listed below by The Notice of Electronic Filing in accordance with FED.R.CIV.P. 5(b)(3) and Rule 9A of the Southern District's January 1, 2007 Administrative Procedures for Electronic Filing in Civil and Criminal Cases:

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